

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DARRYL A. RANDOLPH,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 08-cv-450-JPG

**MEMORANDUM AND
ORDER TO SHOW CAUSE**

This matter comes before the Court on the motion of the defendant United States to dismiss this case for lack of jurisdiction (Doc. 22), which was filed on November 12, 2009. Pursuant to Local Rule 7.1(c), plaintiff Darryl A. Randolph's response was due 30 days after the motion to dismiss was filed, but 30 days have passed and Randolph has not responded. The Court may, in its discretion, construe a party's failure to file a timely response as an admission of the merits of the motion. Local Rule 7.1(c). The Court hereby **ORDERS** Randolph to **SHOW CAUSE** on or before February 19, 2010, why the Court should not construe his failure to timely respond to the motion to dismiss as an admission of the merits of the motion and dismiss this case without prejudice for lack of jurisdiction. Failure to respond in a timely manner to this order will result in dismissal of this action for lack of jurisdiction or for lack of prosecution pursuant to Federal Rule of Civil Procedure 41(b) and the Court's inherent authority to manage its docket. *See In re Bluestein & Co.*, 68 F.3d 1022, 1025 (7th Cir. 1995).

IT IS SO ORDERED.

DATED: February 4, 2010

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE